

ES-65-DIV-8

09/752,894

Amdt. Dated September 23, 2004 and February 3, 2005

Reply to Office action of June 23, 2004 and Notices of Non-Compliant dated January 3, 2005 and February 24, 2005

### **REMARKS/ARGUMENTS**

Applicant has carefully reviewed the Examiner's communication mailed June 23, 2004 and the notices of Non-Compliant mailed January 3, 2005 and February 24, 2005. Applicant has amended claims 1, 6-10, 15-17 and 20 which were Non-Compliant by using the wrong status identifier. These claims now uses the proper status identifier "currently amended"

Applicant has amended the specifications to provide for a more descriptive title "Porous Organic Polymer Particle" The Examiner has rejected claims 6- 8, 15 and 20 under 35 U.S.C. 112 second paragraph. Applicant has amended Claims 1, 6, 7, 8, 9, 10, 15, 16, 17 and 20 as recommended by the Examiner.

The Examiner has provisionally rejected Claims 1, 6-10, 15-17 and 20 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-11 of US Patent 6,514,641 in view of Palmer et al (US 3,847,676). Applicant is filing a terminal disclaimer to overcome this rejection.

In conclusion Applicant requests the Examiner to withdraw the objection to the claims in view of the present amendments to the claims and the rejection under obviousness-type double patenting in view of the filing of the terminal disclaimer. In conclusion Applicant submits that the present claims are allowable and respectfully requests the Examiner to forward this application to issuance at an early date.

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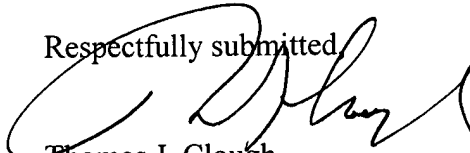
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Should any matters remain unresolved, the Examiner is requested to call (collect)

Applicant's attorney at the numbers given below.

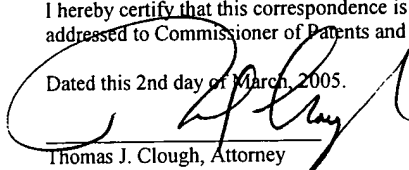
Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 29231 on or before March 2, 2005.

Dated this 2nd day of March, 2005.



Thomas J. Clough, Attorney